

Message Text

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ORIGIN ARA-10

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, PN

SUBJECT: STATE NOON BRIEFING, APRIL 15

THE FOLLOWING ARE THE EXCERPTS ON PANAMA:

QUESTION: YES, MY QUESTION CONCERNS THIS STATE DEPARTMENT PRESS OFFICE RELEASE ENTITLED "THE REAGAN SPEECH AND THE FACTS", BOB -- THAT ON PAGE 6 SAYS: THE CANAL ZONE IS NOT, AND NEVER HAS BEEN, SOVEREIGN U.S. TERRITORY," WHICH STATEMENT WAS QUOTED THIS MORNING AT THE WHITE HOUSE AFTER RON NESSEN SAID, "I PROBABLY SPOKE TOO HASTILY WHEN I SAID THE CANAL ZONE IS NOT SOVEREIGN TERRITORY OF THE UNITED STATES. THIS SUBJECT IS ENORMOUSLY COMPLEX AND A NUMBER OF COURT CASES HAVE DEALT WITH THE ISSUE."

MY QUESTION IS: WHO WROTE THIS STATEMENT FROM THE STATE DEPARTMENT? AND IS PRESIDENT FORD'S NEWS SECRETARY WRONG?

ANSWER: I DO NOT HAVE A TRANSCRIPT OF WHAT MR. NESSEN SAID; ON THE QUESTION OF SOVEREIGNTY OVER THE CANAL. IT CERTAINLY IS A COMPLICATED ONE.

I WANT TO SAY AT THE OUTSET, HOWEVER, THAT WE DO NOT THINK, NOR HAVE TWO PREVIOUS PRESIDENTS BELIEVED, THAT IT IS THE ESSENTIAL ISSUE IN OUR NEGOTIATIONS WITH PANAMA -- WHICH HAVE BEEN GOING ON, NOW, BY THREE ADMINISTRATIONS.

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WHAT IS IMPORTANT, AND WHAT OUR BASIC OBJECTIVE IS, AS FAR

AS OUR NEGOTIATIONS WITH PANAMA, IS TO TRY TO REACH AN ARRANGEMENT WITH PANAMA WHICH WILL GIVE US GREATER SECURITY FOR OUR OPERATIONS AND OUR DEFENSE INTERESTS THAN WE HAVE NOW.

AS FOR THE SPECIFIC QUESTION OF SOVEREIGNTY, AS I UNDERSTAND IT, THE PURPOSE OF THE 1903 TREATY WAS TO ESTABLISH A RELATIONSHIP BETWEEN PANAMA AND THE UNITED STATES WHICH PROVIDED FOR THE CONSTRUCTION, THE MAINTENANCE, DEFENSE AND OPERATION OF THE CANAL. IT WAS NOT A TREATY IN WHICH PANAMA CEDED TERRITORY TO THE UNITED STATES.

NOW, IT IS TRUE THAT ONE OF THE ARTICLES OF THAT TREATY AUTHORIZES THE UNITED STATES TO EXERCISE CERTAIN RIGHTS, POWERS AND AUTHORITIES WHICH IT WOULD POSSESS AND EXERCISE IF IT WERE THE SOVEREIGN OF THE TERRITORY. BUT THE FACT OF THE MATTER IS THAT THERE WAS NOT A CESSATION OF SOVEREIGNTY AND THE UNITED STATES HAS CONSISTENTLY RECOGNIZED THAT PANAMA RETAINS TITULAR SOVEREIGNTY OVER THE AREA.

AND, IN FACT, I SAW ONE CONFIRMATION OF THIS IN A LETTER DATED IN 1905 FROM SECRETARY OF WAR WILLIAM TAFT, TO PRESIDENT THEODORE ROOSEVELT.

QUESTION: IS IT PERMISSIBLE TO FOLLOW THIS UP WITH A RELATED QUESTION?

ANSWER: SURE.

QUESTION: IS THIS STILL ON PANAMA?

QUESTION: YES.

THIS SAME STATE DEPARTMENT STATEMENT ON PANAMA SAYS THAT THE ISSUE IS NOT BETWEEN US AND TORRIJOS, BUT IT IS BETWEEN US AND ALL OTHER WESTERN HEMISPHERE NATIONS, WITHOUT EXCEPTION.

I CHECKED WITH THE CANADIAN EMBASSY, AND THEY RECALL NO INSTANCES IN WHICH THE CANADIAN GOVERNMENT HAS TAKEN A STAND ON THIS ISSUE, AND SO I WAS WONDERING IF YOU KNOW OF ANY.

ANSWER: THE REFERENCE IS TO OTHER COUNTRIES IN LATIN AMERICA.

QUESTION: NO, NO, I SAID WESTERN HEMISPHERE.

ANSWER: I KNOW, BUT IT WAS IN THE CONTEXT OF NOT CANADA BUT LATIN AMERICA.

QUESTION: IN OTHER WORDS, YOU ARE CORRECTING THE STATE-
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MENT HERE?

ANSWER: YES.

QUESTION: BOB, GOING BACK TO YOUR TALKING ABOUT THE SOVEREIGNTY -- IN OTHER WORDS, YOU ARE SAYING IT IS NOT SOVEREIGN TERRITORY, IT IS AS IF IT WERE, BUT THE PRESIDENT LEGALLY, STRICTLY SPEAKING WAS WRONG, OR ANYBODY WHO TALKS LEGALLY OF CONTINUED INDEFINITE U.S. SOVEREIGNTY IS WRONG?

ANSWER: IN THE FIRST PLACE, I DO NOT THINK THE PRESIDENT SAID THAT.

QUESTION: NO

ANSWER: HE DID NOT SAY THAT. AND THIS IS NOT AN UNUSUAL SITUATION. IT IS ESTABLISHED UNDER INTERNATIONAL LAW THAT A STATE MAY GRANT TO A FOREIGN STATE THE RIGHT TO EXERCISE SOVEREIGN POWERS WITHIN PORTIONS OF ITS TERRITORY WITHOUT AFFECTING A CESSION OF ITS OWN SOVEREIGNTY OVER THAT TERRITORY. BUT I WILL REPEAT WHAT I SAID AT THE OUTSET: THIS ISN'T REALLY THE FUNDAMENTAL ISSUE THAT HAS FACED THE UNITED STATES OVER THE PAST YEARS IN WHICH WE HAVE BEEN NEGOTIATING WITH PANAMA.

WHAT WE ARE TRYING TO DO -- AND I WANT TO SAY IT AGAIN -- WE ARE TRYING TO ACHIEVE AN ARRANGEMENT WHICH WILL GIVE US GREATER SECURITY FOR OUR OPERATIONS AND OUR DEFENSE INTERESTS THAN WE HAVE NOW.

QUESTION: LAST NIGHT IN MIDLAND, TEXAS, RONALD REAGAN, REFERRING TO AMBASSADOR BUNKER'S TESTIMONY, SAID THAT IT CERTAINLY DOESN'T JIBE WITH PRESIDENT FORD'S STATEMENTS MADE HERE IN TEXAS THAT HE WAS NOT GOING TO GIVE AWAY THE PANAMA CANAL. I WAS WONDERING IF THE STATE DEPARTMENT HAS ANY COMMENT ON AMBASSADOR BUNKER'S STATEMENT. DO YOU FEEL THAT THE HOUSE PANAMA CANAL SUBCOMMITTEE VIOLATED ANY AGREEMENT BY VOTING UNANIMOUSLY TO RELEASE THIS, THAT IT WAS A LEAK OR ANYTHING OF THAT NATURE?

ANSWER: IT WAS MY UNDERSTANDING THAT IT WAS AGREED THAT AMBASSADOR BUNKER'S TESTIMONY WAS IN EXECUTIVE SESSION AND IT WASN'T TO BE RELEASED. BUT HIS TESTIMONY, IN FACT, AS I HAVE BEEN INFORMED OF ITS SUBSTANCE, WAS BASED ON THE EIGHT PRINCIPLES REFERRED TO IN THE LAST SEVERAL DAYS WHICH WERE PUBLISHED IN 1974.

QUESTION: SO THE STATE DEPARTMENT FEELS THAT GOVERNOR REAGAN IS QUITE WRONG ON THIS OBVIOUSLY?

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ANSWER: WELL, I'VE LOST YOU. I THINK YOU WERE ASKING ME ABOUT THE COMMITTEE RELEASING THE TESTIMONY.

QUESTION: HE SAYS THAT BUNKER'S TESTIMONY CERTAINLY DOESN'T JIBE WITH PRESIDENT FORD'S STATEMENT ABOUT NEVER GIVING AWAY THE PANAMA CANAL.

ANSWER: BUNKER'S TESTIMONY WAS -- JUST TO RESTATE -- BASED ON THE EIGHT PRINCIPLES AND ON PRESIDENTIAL INSTRUCTIONS. AS FAR AS THE INTERPRETATION OF THE PRESIDENT'S REMARKS, I BELIEVE THAT HAS BEEN THE SUBJECT OF EXTENSIVE DISCUSSION AT WHITE HOUSE PRESS BRIEFINGS, AND I DON'T HAVE ANYTHING TO ADD TO WHAT MR. NESSEN HAS ALREADY SAID.

QUESTION: HE'S REFERRED TO THE STATE DEPARTMENT, TOO.

QUESTION: THANK YOU, BOB. ROBINSON

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